

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

| | | |
|--|---|----------------------|
| In the Matter of |) | |
| |) | |
| Digital Television Transmission Systems |) | MB Docket No. 05-312 |
| Technologies |) | RM-11574 |
| Counterproposal of CTB Group, Inc. |) | |
| |) | |
| Fostering Innovation and Investment in |) | GN Docket No. 09-157 |
| the Wireless Communications Market |) | |
| |) | |
| A National Broadband Plan For Our Future |) | GN Docket No. 09-51 |
| |) | |

To: Office of the Secretary

**REPLY COMMENTS OF COCOLA BROADCASTING COMPANIES, LLC
ON CTB GROUP, INC. COUNTERPROPOSAL**

Cocola Broadcasting Companies, LLC (“CBC”), by its attorneys, hereby submits these reply comments in support of the Petition for Rule Making submitted on September 10, 2009 by the CTB Group, Inc. (the “CTB Counterproposal”).¹ These reply comments reflect upon “how wireless services are being used in innovative ways to solve problems and provide consumer benefit[,]” and therefore CBC also submits these reply comments in GN Docket Nos. 09-157 and 09-151 regarding the National Broadband Plan proceeding.²

I. Low Power Television Stations Face Intense Challenges that Require Regulatory Intervention.

Low Power Television and Class A television stations (collectively, “LPTV stations”) reach thousands of local communities, oftentimes with local, ethnic, or alternative programming

¹ The Commission’s October 16, 2009 Public Notice stated that the CTB Group, Inc. Petition for Rule Making “will be treated as counterproposals in MB Docket 05-312” and that “reply comments to the counterproposal should be submitted in this docket.”

² See Fostering Innovation and Investment in the Wireless Communications Market, *Notice of Inquiry*, 24 FCC Rcd 11322 (2009); Twenty-One Day Extension of Time to File Reply Comments on Wireless Innovation and Investment Notice of Inquiry, *Public Notice*, DA-09-2206 (Oct. 9, 2009).

not otherwise available. Indeed, most LPTV station owners are not large corporations, but instead are small businesses working hard to serve their public and the public interest. LPTV stations require regulatory relief to survive in the current economic environment and technological change.

LPTV stations are under immense financial pressure. Like other ad-supported media businesses, LPTV stations face severe challenges due to the macroeconomic effects of the decline of the U.S. economy. Furthermore, many LPTV stations have been left behind after the transition of full-power television stations to digital operations that ended on June 12, 2009. Many digital-to-analog converter boxes and other digital-only receiver equipment lack a “pass-through” capability for viewers to continue receive the analog signals of LPTV stations, depriving millions of Americans of access to the local programming of LPTV stations and therefore depriving those LPTV stations of vital advertising revenue.

CBC therefore supports the CTB Counterproposal and the other proposals submitted by the CTB Group, Inc. in the National Broadband Plan proceeding to better enable LPTV stations to better compete and utilize their spectrum by providing data services in addition to video services.³ CBC believes that these proposals will provide, at least, the opportunity for LPTV stations to survive in a difficult economic climate while meeting the Commission’s public interest and broadband deployment goals.

II. CBC Supports the CTB Counterproposal Because It Will Enable LPTV Stations to Better Serve the Public at Reduced Costs with Greater Certainty.

Implementation of the CTB Counterproposal would allow LPTV stations to utilize spectrum efficiently by use of the Distributed Transmission System (“DTS”) technology without additional regulatory burdens and with added certainty. DTS uses multiple and synchronized

³ See *Report of Ex Parte Communications of CTB Group, Inc.*, GN Docket No. 09-51 (Aug. 7, 2009).

transmission points to “cellularize” broadcast service, interconnecting service areas and potentially creating a larger and more robust service footprint. According to the CTB Counterproposal, the CTB Group, Inc. has developed technology to allow LPTV stations to provide an ancillary datacasting service using DTS technology. The FCC should embrace the promise of this new technology immediately.

The Commission currently allows full-power television licensees to request authority for DTS operations through the construction permit process, while requiring LPTV stations to use a more cumbersome, less certain and less transparent experimental authorization process. The current experimental authorization mechanism for LPTV stations to use DTS technology entails extensive legal and engineering costs that many LPTV stations simply cannot afford. In addition, the uncertainty of the experimental process makes it difficult for LPTV stations to obtain capital for DTS service. By allowing LPTV stations to request DTS authorizations via the existing Class A and LPTV construction permit application forms (*i.e.*, FCC Forms 301-CA and 346) as requested in the CTB Counterproposal, the Commission would streamline access to DTS technology for LPTV stations and provide a sense of certainty to foster investment in LPTV stations’ DTS services and datacasting. Such regulatory relief would assist LPTV stations’ transition to DTV, support the Commission’s broadband goals, and potentially increase both video and data competition.

III. CBC Supports Other CTB Group, Inc. Proposals as Innovative Ways to Solve Problems and Provide Consumer Benefit.

The CTB Group, Inc. also submitted various other proposals regarding LPTV stations as an *ex parte* communication related to the National Broadband Plan.⁴ Among the innovative ideas proposed in the *ex parte* communication, perhaps the most worthy of immediate FCC

⁴ *Id.*

consideration is the proposal to allow a pooling of local video channels on a single LPTV station so that other in-market LPTV stations can focus on datacasting. This proposal provides an innovative means to increase spectrum efficiency, reduce regulatory costs, and speed the digital transition of LPTV stations. CBC believes that the Commission should give prompt and full consideration to this proposal to use currently allocated spectrum to provide broadband services.

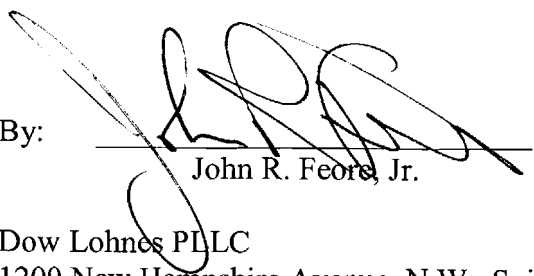
IV. Conclusion

CBC supports the CTB Counterproposal and supports the innovative use of LPTV stations to provide broadband access. CBC requests that the Commission speedily act upon the CTB Group, Inc. proposals to allow LPTV stations to better serve their communities while furthering the Commission's competition, spectrum efficiency, and broadband deployment goals.

Respectfully Submitted,

COCOLA BROADCASTING COMPANIES, LLC

By:


John R. Feore, Jr.

Dow Lohnes PLLC
1200 New Hampshire Avenue, N.W., Suite 800
Washington, D.C. 20036-6802
202-776-2000

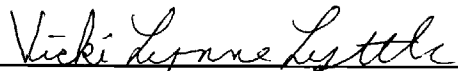
Its Attorneys

Dated: November 2, 2009

CERTIFICATE OF SERVICE

I, Vicki Lynne Lyttle, a secretary at the law firm of Dow Lohnes PLLC, certify that on this 2nd day of November, 2009, I caused the foregoing Reply Comments to be served by e-mail on the following:

Peter Tannenwald
Fletcher, Heald & Hildreth, PLC
1300 N. 17th St, 11th Floor
Arlington, Virginia 22209-3801



Vicki Lynne Lyttle